

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**BRET BIELEMA**

**PLAINTIFF**

**vs.**

**THE RAZORBACK FOUNDATION, INC.**

**DEFENDANT**

**Case No. 5:20-cv-05104-PKH**

**THE RAZORBACK FOUNDATION, INC.**

**COUNTER- PLAINTIFF**

**vs.**

**BRET BIELEMA and NEIL CORNICH**

**COUNTER-DEFENDANTS**

**COUNTER-DEFENDANTS'  
JOINT MOTION FOR RULE 11 SANCTIONS**

Through the undersigned counsel, the Counter-Defendants, Bret Bielema (“Coach Bielema”) and Neil Cornrich (“Cornrich”), state the following in support of their Joint Motion for Rule 11 Sanctions:

1. On September 3, 2020, responding to the Amended Complaint filed by Coach Bielema, counsel for the Foundation filed an Answer and Counterclaim.
2. The Foundation’s Counterclaim included allegations that Coach Bielema and Cornrich, his agent, negotiated, entered, and performed under the Final Buyout Agreement in bad faith. *E.g.*, Counterclaim, № 35 ¶¶ 4–5, 10, 21, 23, 68, 71–73, 77–78. The Foundation alleges that they conspired to procure employment for Coach Bielema with the New England Patriots and intentionally negotiated a low salary to deprive the Foundation of income that would offset its payment obligations to Coach Bielema under the Final Buyout Agreement.

3. All four counts in the Counterclaim incorporate some of those allegations. One count alleges that Coach Bielema and Neil Cornrich fraudulently induced the Foundation to enter the Final Buyout Agreement.
4. The Foundation describes Coach Bielema and Cornrich as irrational participants in a baffling conspiracy that would not have benefited either of them.
5. Beginning with the Foundation's surprise January 31, 2018 Demand Letter, ***Exhibit 1***, and continuing through the filing of the Counterclaim, representatives of Coach Bielema have labored to demonstrate that these beliefs are false. The Foundation has refused to hear any account but its own.
6. The Foundation's initial disclosures disclose no evidence of any kind supporting the false and injurious allegations of a conspiracy to defraud.
7. On October 11, 2020, pursuant to Federal Rule of Civil Procedure 11(c)(2), the undersigned presented the Foundation with a draft of this Joint Motion for Rule 11 Sanctions and the Brief in Support of Counter-Defendants' Joint Motion for Rule 11 Sanctions, which is incorporated herein as if set forth word for word, with a demand that the Foundation withdraw the frivolous conspiracy allegations and fraud claim.
8. Twenty-one days have passed. The Foundation has not withdrawn them or produced any other evidence of a good faith investigation that would comply with the requirements of Rule 11. Coach Bielema and Cornrich therefore move the Court to:
  - a. Find that counsel for the Foundation failed to comply with both the "reasonable inquiry" and "improper purpose" prongs of Federal Rule of Civil Procedure 11(b) in connection with the filing of Count III of the Foundation's Counterclaim;

- b. Exercise its discretion to impose appropriate sanctions on opposing counsel; and
- c. Provide the Counter-Defendants with all other appropriate relief to which they may be entitled.

Respectfully submitted,

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